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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,621	09/26/2003	Rami Caspi	2003P08212 US	8063

7590 05/17/2007

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
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EXAMINER	
MEHRPOUR, NAGHMEH	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,621	CASPI ET AL.	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14, 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-14, 16**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US Patent 6,484,033) in view of Posti et al. (US Publication 2005/0075110 A1).

Regarding claim 1, Murray teaches a telecommunications system, comprising:

a plurality of network clients including a positioning controller and a communications controller (col 1 lines 7-10); and

a positioning server including a coordinating controller (col 6 lines 31-43)for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col 4 lines 60-67, col 5 lines 1-9);

wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller, said positioning information including information related to a speed of movement (col 6 lines 15-31).

wherein the position and speed of movement information is used to derive an availability of an associated network client and presence server is configured to transmit the availability to network clients who are registered to receive the availability (col 4 lines 60-67, col 5 line 1-43, col 6 lines 15-31, col 9 lines 60-67, col 10 lines 1-23). Murray fails to teach a method wherein the speed is correlated with a hysteresis threshold to prevent a chance in a context status based on momentary change in speed (0027, 0028, 0028, 0030, 0033, 0038); and wherein a position is associated with a hysteresis threshold to prevent a change in context status based on a momentary change in position. However, Posti teaches a telecommunications device in accordance with claim 11, wherein said cellular telephone controller is adapted to transmit said position update upon said change of speed only if said change of speed is correlated with a predefined position-presence correlation rule with a hysteresis threshold to prevent a change in context status based on a momentary change in

position; and wherein the speed is correlated with a hysteresis threshold to prevent a chance in a context status based on momentary change in speed (0027, 0028, 0028, 0030, 0033, 0038) . Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Posti, in order to enable the operator to communicates with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 2, Murray inherently teaches a telecommunications system in accordance with claim 1, wherein said plurality of network clients are configured to associate a particular speed with being in a car (col 12 lines 27-55).

Regarding claim 3, Murray teaches a telecommunications system in accordance with claim 2, wherein said communications controller is adapted to transmit a position update to said positioning server upon detection of a predetermined speed (col 6 lines 21-60, col 12 lines 27-55).

Regarding claim 4, Murray teaches a telecommunications system wherein

a plurality of network clients including a positioning controller and a communications controller (col 1 lines 7-10); and

a positioning server including a coordinating controller (col 6 lines 31-43)for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col 4 lines 60-67, col 5 lines 1-9);

wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller, said positioning information including information related to a speed of movement (col 6 lines 15-31).

Murray fails to teach a telecommunications system in accordance said speed is correlated with a hysteresis threshold to prevent a change in context status based on a momentary change in position. However, Posti teaches a telecommunications system in accordance with claim 3, wherein said speed is correlated with a hysteresis threshold to prevent a change in context status based on a momentary change in position (0027, 0028, 0028, 0030, 0033, 0038). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Posti, in order to enable the operator to communicates with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 5, Murray teaches a telecommunications system in accordance with claim 4, wherein said position signals comprise global positioning system signals (col 6 lines 43-61).

Regarding claim 6, Murray teaches a telecommunications system in accordance with claim 5, wherein said communications controller is a cellular telephone controller (col 7 lines 52-65).

Regarding claim 7, Murray teaches a telecommunications device, comprising:

a positioning controller adapted to determine positioning information for said telecommunications device, said positioning information including device speed (col 4 lines 6-67, col 5 lines 1-9);

a cellular telephone controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server (col 6 lines 15-31); and

a database controller for maintaining a database of position-presence correlation rules defining when said positioning information is to be transmitted (col 6 lines 21-60).

a presence server configured to transmit to other telecommunication devices registered to receive an availability of a user of the telecommunications device (col 4 lines 60-67, col 5 lines 1-44);

Murray fails to teach a method wherein a position is associated with a hysteresis threshold to prevent a change in context status based on a momentary change of the rule status, **the one or more hysteresis threshold including one or more speed based hysteresis threshold** (0027, 0028, 0028, 0030, 0033, 0038, 0064, 0065, 0082) . Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Posti, in order to

enable the operator to communicates with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 8, Murray teaches a telecommunications device as recited in claim 7, wherein said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (col 6 lines 43-61).

Regarding claim 9, Murray teaches a telecommunications device as recited in claim 8, wherein said position-presence correlation rules include presence status associated with said device speed (col 6 lines 21-60).

Regarding claim 10, Murray teaches a telecommunications device as recited in claim 9, wherein said cellular telephone controller transmits changes to location status to said associated server (col 4 lines 60-67, col 5 lines 1-21).

Regarding claim 11, Murray teaches a telecommunications device as recited in claim 10, wherein said cellular telephone controller is adapted to transmit a position update to said associated server upon a change of speed (col 6 lines 21-60).

Regarding claim 12, Murray teaches a telecommunications system comprising:

a positioning controller adapted to determine positioning information for said telecommunications device, said positioning information including device speed (col 4 lines 6-67, col 5 lines 1-9);

a cellular telephone controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server (col 6 lines 15-31); and

a database controller for maintaining a database of position-presence correlation rules defining when said positioning information is to be transmitted (col 6 lines 21-60). Murray fails to teach a telecommunications device in accordance with claim 11, wherein said cellular telephone controller is adapted to transmit said position update upon said change of speed only if said change of speed is correlated with a predefined position-presence correlation rule with a **speed based** hysteresis threshold to prevent a change in context status based on a momentary change in position. However, Posti teaches a telecommunications device in accordance with claim 11, wherein said cellular telephone controller is adapted to transmit said position update upon said change of speed only if said change of speed is correlated with a predefined position-presence correlation rule with a **speed based** hysteresis threshold to prevent a change in context status based on a momentary change in position (0027, 0028, 0028, 0030, 0033, 0038, 0064, 0065, 0082). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Posti, in order to enable the operator to communicates with vehicles and to

receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 13, Murray teaches a telecommunications method, comprising:

receiving one or more user positioning and presence correlation rules at a server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col 3 lines 10-53); and

transmitting said one or more positioning and presence correlation rules to at least one of said remote users (col 3 lines 10-63);

wherein said one or more positioning and presence correlation rules include a device speed (col 6 lines 21-60). Murray fails to teach a method wherein a position is associated with a hysteresis threshold to prevent a change in context status based on a momentary change in position. However, Posti teaches a method wherein a method wherein a position is associated with a hysteresis threshold to prevent a change in context status based on a momentary change in position (0027, 0028, 0028, 0030, 0033, 0038, 0064, 0065, 0082). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Posti, in order to enable the operator to communicates with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 14, Murray teaches a telecommunications method in accordance with claim 13, further comprising:

receiving positioning updates at said remote user 9col 3 lines 9-60); and

transmitting presence updates to said server as specified in said one or more positioning and presence correlation rules (col 5 lines 65-67, col 6 lines 1-5).

distributing presence information associated with the positioning and presence correlation rules to remote users (col 3 lines 10-53).

Regarding claim 16, Murray teaches a telecommunications system, comprising:

a plurality of network clients including a positioning controller and a communications controller (col 3 lines 10-60); and

a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col 3 lines 10-60);

wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (col 5 lines 10-55); and

Murray fails to teach a system wherein one or more location status **speed based** hysteresis thresholds are maintained to prevent a change in context status based on a momentary change in position. However, Posti teaches a telecommunications system, comprising: wherein one or more location status **speed based** hysteresis thresholds

are maintained to prevent a change in context status based on a momentary change in position (0027, 0028, 0028, 0030, 0033, 0038, 0064, 0065, 0082). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Posti, in order to enable the operator to communicates with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Response to Arguments

1. Applicant's arguments with respect to claims 1-14, 16, have been considered but are moot in view of the new ground(s) of rejection.

The references made herein are done so for the convenience of the applicant. They are in no way meant to limit the reference. The reference MUST be considered in its entirety.

Conclusion

2. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 5571-272-791313. The examiner can normally be reached on 8:00 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro be reached (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

May 14, 2007

NAGHMEH MEHRPOUR
PRIMARY EXAMINER